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May 18, 2020

Electronically Filed

Valerie Hardy-Mahoney
Regional Director
National Labor Relations Board, Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5211

*Re: Teamsters Local 350 and GreenWaste Recovery, Inc.
NLRB Case No. 32-RC-260301
Opposition to Request to Postponement*

Dear Ms. Hardy-Mahoney:

Teamsters Local 350 opposes the request by GreenWaste Recovery, Inc. (the "Employer") to the hearing scheduled for May 21, 2020, in the above-referenced matter. The Employer seeks an eight day continuance to the hearing. The Employer has failed to establish special circumstances that would allow for even a two-day extension much less the extraordinary circumstances required to receive a lengthier extension. The unwarranted delay will harm the Union and the employees' interests and the statutory requirements for a prompt election. (See, e.g., 29 CFR § 102.67(b) ("[t]he regional director shall schedule the election for the earliest day practicable consistent with these rules."))

The Employer's attorney cites non-specific difficulties in communicating with clients; that the hearing is scheduled via video conference and that the Employer's attorney has other briefs. None of these proffered reasons meets the standard.

That an Employer's counsel has other commitments such as briefs does not constitute "special circumstances" much less extraordinary circumstances. To the contrary, that is quite ordinary. Moreover, the Employer's counsel works for an extremely large law firm and surely there is an attorney capable of appearing on May 21, 2020 in this matter.

Turning to the attempt to use COVID-19 as an excuse, this is not availing. The concerns raised are not in any way particularized and run contrary to the Board's decision to lift the suspension of representation elections. All parties have adjusted during this pandemic and Region 32 has moved forward with successfully holding representation hearings. Indeed, the shelter-in-place orders have been in place in the bay area counties since March 16, 2020. It has been more than two months. It is simply not believable that a global law firm running webinars

Valerie Hardy-Mahoney

Re: Teamsters Local 350 and GreenWaste Recovery, Inc.

NLRB Case No. 32-RC-260301 - Opposition to Request to Postponement

May 18, 2020

Page 2

and advertising its COVID-19 Task Force does not have the capability of participating in a video conference.

As described in the Employer's request, the only issues identified for hearing are the manner and date of the election. These are not litigable matters and the Regional Directors may simply obtain the parties' positions on these issues. Thus many of the concerns raised are simply inapplicable.

The Employer also urges for a postponement because of time needed to prepare for a manual ballot election. This argument is not well founded and certainly premature. The Union urges a mail ballot election to appropriately hold a safe and expedient election during the COVID-19 pandemic thus obviating these proffered reasons for a delay.

Finally, the Employer has provided no justification for extending the deadline for Statement of Position.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Susan K. Garea', with a stylized flourish at the end.

Susan K. Garea

SKG/tg

cc: Sergio Arranaga, Teamsters Local 350
Richard A. Leasia, Esq., Littler Mendelson, P.C.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I declare that I am employed in the County of Alameda , State of California. I am over the age of eighteen (18) years and not a party to this action. My business address is 483 Ninth Street, Suite 200, Oakland, California 94607. On May 18, 2020, I served the following document:

TEAMSTERS LOCAL 350'S OPPOSITION TO REQUEST TO POSTPONEMENT

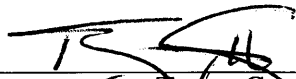
☒ **By Mail** to the parties in this action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true and correct copy thereof enclosed in a sealed envelope, given the correct amount of postage, and deposited that same day, in the ordinary course of business in a United States mailbox in the City of Concord, California.

☒ **By Electronic Service** to the parties in this action, at the electronic notification address below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Richard A. Leasia, Esq.
Littler Mendelson, P.C.
50 W. San Fernando Street, 14th Floor
San Jose, CA 95113

Email: rleasia@littler.com

I declare under penalty of perjury that the foregoing is true and correct. Executed in Concord, California, on May 18, 2020.



Tanya Gatt